UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/722,962	11/27/2000	Larry A. Greenspan	08563-0087	5141

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EXAMINER
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ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11/12/04 and 2/28/05.*
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *61-71,73,74,76-87 and 89-92* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *61-71,73,74,76-87 and 89-92* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendments filed 11/12/04, and

2/28/05. Claims 61-71,73-74,76-87, and 89-92 are pending.

Claim Rejections - 35 USC § 101

The rejection of claims 61-75 under 35 U.S.C. 101 is hereby with drawn due to

the amendment filed 2/28/05.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 61-71,73-74,76-87, and 89-92 are rejected under 35 U.S.C. 112, first

paragraph, as failing to comply with the written description requirement. The claim(s)

contains subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention.

The claims as currently drafted are specifically drawn to a method and system for

producing a dental presentation for a patient. For example, claim 61 currently recites

that a template is formed to produce "a dental presentation template...wherein the

dental presentation template comprises at least on specific dental procedure indicator

for use as a point of incorporation for specific dental information on the recommended course of treatment...". (Step 1a)   Claim 61 further recites other details such as "scanning the template for a marker, wherein the marker identifies *dental* information specific to the dental patient..."; "retrieving dental information specific to the dental patient identified by the marker by the from the dental desktop application..."

However, the scope the originally filed specification is not commensurate with that of the currently pending claims in terms of describing Applicant's invention. In particular, the specification appears to be much more generic in its references to the steps performed and the system used to generate a (healthcare) presentation. While there are occasional references to the American Dental Association (primarily in the background of the invention), the originally filed disclosure does not contain the degree of detail regarding developing dental presentations now found in the currently pending claims.

As such, the Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed disclosure, or to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 61-63 and 66-75 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sachdeva (USPN 6,587,828) in view of Clark et al (USPN

6,171,112).

[claims 61 and 69] Sachdeva teaches a method for generating and tracking

presentations for a dental patient describing a recommended course of dental treatment

comprising of at least one dental procedure, the method comprising the steps of:

a.   forming at least one template configured for display as a dental presentation

template, wherein the dental presentation template comprises at least one specific

dental procedure indicator for use as a point of incorporation for specific dental

information on the recommended course of treatment; (col. 3, lines 4-col. 4, line 8; col.

4, lines 24-38)

b.   inserting in each template at least one general information indicator for use as a

point of incorporation for general information on the dental patient; (col. 4, lines 9-65)

c.   incorporating specific dental information about the specific dental procedure from

the recommended course of treatment for the dental patient into the template; (col. 4,

lines 9-48; col. 5, lines 49-col. 6, line 15)

d.   incorporating the general information on the dental patient into at least one

template; (col. 4, lines 9-48; col. 5, lines 49-col. 6, line 15)

e.   generating a dental presentation using at least one template with the

incorporated specific dental information and the general information on the dental

patient with one step; (col. 5, lines 32-col. 6, lines 15)

f.   storing the dental presentation in a dental desktop application; (col. 3, lines 58-col. 4, line 8)

g.   presenting the dental presentation to the dental patient; and (col. 4, lines 24-27: displaying treatment plan; col. 6, lines 3-33—patient acknowledges simulated treatment results)

Sachdeva discloses a method as explained above, and further disclose that the dental presentation is provided to the patient to acknowledge information in the presentation. (col. 6, lines 3-33). However, Sachdeva does not expressly disclose a method in which the day and time that the dental presentation was patient is recorded. Clark teaches system and method for informed patient t consent wherein the time and date of when the presentation is given to the patient is recorded. (Figure 26; col. 25, line 61-col. 26, line 26, line 5) At the time of the Applicant's invention, it would have been obvious to one ordinary skill in the art to modify the method of Sachdeva with the teaching of Clark to record time and data when the presentation is given to the dental patient. As suggested by Clark, one would have been motivated to include this feature to enhance the quality of the patient-healthcare provider experience prior to medical procedures by presenting information to a recipient while confirming receipt and comprehension of the information by the patient (col. 3, lines 45-49)

[claim 62] See Sachdeva (col. 3, lines 55-col. 4, line 43)

[claim 63] Sachdeva teaches a method further comprising the step of editing the dental presentation to add additional dental procedures. (col. 7, lines 37-56)

[claim 66] Sachdeva teaches a method of claim 61, further comprising the

steps of:

-       generating a list of recommended dental procedures for the dental patient,

        wherein the recommended dental procedures are previously entered into the

        dental desktop application as being recommended for the dental patient; and

        (col. 4, lines 27-38)

-       selecting at least one recommended dental procedure from the list of

        recommended dental procedures for inclusion in the recommended course of

        treatment. (col. 4, lines 27-65; col. 5, lines 11-48)

[claim 67] Sachdeva teaches a method further comprising the step of using the dental

desktop application to select automatically all recommended dental procedures in the

list of recommended dental procedures for inclusion in the recommended course of

treatment. (col. 5, lines 11-48)

[claim 68] Sachdeva teaches a method further comprising the step of editing the list of

recommended dental procedures to include the dental procedure for the dental patient.

(col. 7, lines 20-36; col. 8, lines 33-57)

[claim 70] Sachdeva teaches a method further comprising the step of incorporating the

dental procedure into the template includes for each dental procedure, the steps of:

-       retrieving a procedure information file for the dental procedure, wherein the

        procedure information file includes a plurality of details related to the dental

procedure including a member of the group comprising: test data, time for the

procedure, medications for the procedure, post procedure follow up and

combinations thereof; and (col. 4, lines 9-32; col. 6, lines 3-14)

- inserting the procedure information file into the dental template. (col. 4, lines 9-

32; col. 6, lines 3-14)

[claim 71] Sachdeva teaches a method further comprising the step of editing the

procedure information file prior to inserting the procedure information file into the dental

template. (col. 7, lines 20-36; col. 8, lines 33-57)

[claim 73]   Sachdeva teaches a method, wherein the step of storing the dental

presentation in the dental desktop application includes the step of integrating the dental

presentation into dental desktop application records for the dental patient. (col. 3, lines

36-col.4, line 23; col. 4, line 49-67— patient's treatment plan generated, stored and

accessible to a plurality of parties)

[claim 74] Sachdeva teaches a method further comprising the

steps of:

- indicating at least one dental procedure of the recommended course of treatment

was accepted by the dental patient; and (col. 6, lines 3-43)

- updating records of the dental desktop application records for the dental patient

to correspond to the indicated accepted dental procedure. (col. 6, lines 3-43)

6.   Claims 64-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sachdeva (USPN 6,587,828) and Clark in view of Parker (<u>Microsoft Office 4 for</u>

<u>Windows for Dummies</u>)

[claim 64]   Sachdeva and Clark teach the method of claim 63, as explained in the

rejection of claim 63 above, but do not expressly disclose the use of plug-in tool bars for

editing or exchanging information among applications for a dental presentation. Parker

discloses the use of plug-in tool bars to edit presentations and to exchange information

among applications (pp. 184, 195-200: eg. Clip art/ spell check/ word toolbars). At the

time of the Applicant's invention, it would have been obvious to one of ordinary skill in

the art to further modify the system of Sachdeva and Clark in combination, with the

teaching of Parker to include the use of plug-in tool bars to edit presentations and to

exchange data among applications. As suggested by Parker, one would have been

motivated to include these features to facilitate navigation through a presentation and to

enhance the visual impact of the presentation. (page. 195)

[claim 65] Sachdeva teaches a method wherein said step of editing the dental

presentation comprises at least one of the steps of adding other information to the

dental presentation, removing information from the dental presentation and changing

information in the dental presentation. (col. 7, lines 20-36; col. 8, lines 33-57)

7.   Claims 76-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sachdeva (USPN 6,587,828) in view of Parker (<u>Microsoft Office 4 for Windows for</u>

<u>Dummies</u>)

[claims 76 and 80]   Sachdeva teaches a system for generating and displaying a dental presentation describing a recommended course of treatment having at least one dental procedure for a dental patient, the system comprising:

a.   at least one computer, wherein said at least one computer comprises at least one memory device, a dental desktop application stored in said at least one memory device, and a presentation tool stored in said at least one memory device; (col. 3, lines 36-col. 4, line 38)

b.   one step selection, merger and storage application for selecting a template for a dental presentation, (col. 4, lines 9-48; col. 5, lines 49-col. 6, line 15) and wherein said dental presentation is stored in said at least one memory device; (col. 3, lines 55- col. 4, lines 8)

c. a presentation tool for presenting said dental presentation to said dental patient; and (col. 4, lines 24-27: displaying treatment plan)

d. a tracking tool, wherein when at least one dental procedure of said recommended course of treatment is accepted by a dental patient the patient records in the dental desktop application correspond to the accepted dental procedure. (col. 4, lines 24-27: displaying treatment plan; col. 6, lines 3-33—patient acknowledges simulated treatment results)

Sachdeva discloses the use of templates for creating the medical and dental presentations for patients as explained above, but does not expressly discuss the use of slides as part of the user presentation. Parker discloses that Microsoft PowerPoint allows users incorporate slides as part of a customized visual presentation. (Parker:

pages 187-197) Microsoft PowerPoint also allows information to be automatically

incorporated into the slide presentation. (Parker: pages 195-198)   At the time of the

Applicant's invention, it would have been obvious to one of ordinary skill in the art to

modify the system of Sachdeva with the teaching of Parker to include slides with

information that has been automatically incorporated as part of a customized patient

presentation. One would have been motivated to do this to improve or increase the

visual impact of the presentation and to provide a quick and efficient way for a user to

review and/or reformat the final presentation. (Parker: page. 195)

[claim 77] Sachdeva teaches a system wherein the selection, merger, and storage

application in a single action further incorporates general patient information into the

dental presentation. (col. 3, lines 55-col. 4, line 43)

[claim 78] See Sachdeva: Figures 1-3; col. 3, lines 36-col. 4, line 65; col. 6, lines 43-46.

[claims 79 and 84-85] Sachdeva and Parker teach the system of claim 76, as explained

in the rejection of claim 76 above. Sachdeva does not expressly disclose the use of

plug-in tool bars for editing or exchanging information among applications for a dental

presentation.   Parker discloses the use of plug-in tool bars to edit presentations and to

exchange information among applications (pp. 184, 195-200: e.g. Clip art/ spell check/

word toolbars). At the time of the Applicant's invention, it would have been obvious to

one of ordinary skill in the art to further modify the system of Sachdeva, with the

teaching of Parker to include the use of plug-in tool bars to edit presentations and to

exchange data among applications. As suggested by Parker, one would have been

motivated to include these features to facilitate navigation through a presentation and to enhance the visual impact of the presentation. (page 195)

[claims 81-82] See Sachdeva: Figures 1-3; col. 4, lines 24-col. 6, line 15

[claims 83]   Sachdeva and Parker teach the system of claim 76, as explained in the rejection of claim 76. Sachdeva discloses creating a dental presentation, but does not expressly disclose the use of slides and therefore, does not disclose a system further comprising an indicator configured to indicate a point of incorporation for at least one slide. Parker discloses a system for incorporating slides into a presentation (i.e. an indicator configured to indicate a point of incorporation for at least one slide) (pages 171-173). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sachdeva with the teaching of Parker to include an indicator to indicate a point or incorporation for a slide having specific dental information on at least one dental procedure included in a recommended course of treatment. As suggested by Parker, one would have been motivated to include this feature to facilitate navigation through a presentation and to enhance the visual impact of the presentation. (page 195)

[claims 86-87] See Sachdeva: col. 4, lines 9-38, 49-65; col. 5, lines 11-col. 6, line 15; col. 6, lines 43-46

[claim 89] Sachdeva teaches a system wherein the dental presentation stored in the at least one memory device comprises an integrator for integrating said dental presentation into dental desktop application records for said dental patient. (col. 3, lines

36-col.4, line 23; col. 4, line 49-67— patient's treatment plan generated, stored and

accessible to a plurality of parties)

[claim 90] Sachdeva teaches a system wherein said dental presentation incorporates

information from a dental database on a list of services offered by said dental practice

(col. 4, lines 24, lines 27-35; col. 5, lines 11-31)

[claims 91-92] See (col. 4, lines 9-23; col. 5, lines 32-48)

Response to Arguments

8.   Applicant's arguments with respect to claims 61-71,73-74,76-87, and 89-92 have

been considered but are not persuasive.

        Applicant's arguments appear to be directed toward the newly added limitations,

which have been addressed by the 112, 1st rejection provided in the present Office

Action. The Applicant is respectfully requested to clarify the above issues and to

specifically point out support for the newly added limitations in the originally filed

disclosure, or to cancel the new matter in the reply to this Office Action. Should

applicant successfully traverse the issues of new matter and written description raised

in the present Office Action, the additional limitations will be addressed on the merits at

that time.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-

6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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ALEXANDER KALINOWSKI
PRIMARY EXAMINER